

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

522 W.38th St. NY LLC d/b/a BEST WESTERN  
CONVENTION CENTER,

V. DEFENDANT AND THIRD PARTY PLAINTIFF

NEW YORK HOTEL & MOTEL  
TRADES COUNCIL, AFL-CIO

THIRD PARTY SUMMONS IN A  
CIVIL ACTION

Case Number: 07-Civ.-8230 (JER)

V. THIRD PARTY DEFENDANT

UNITED STAFFING GROUP, LLC

To: Name and address of Third Party Defendant

UNITED STAFFING GROUP, LLC  
37-09 Main Street, Suite 3B  
Flushing, New York 11354

**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Robert G. Brody, Esq.  
Brody and Associates, LLC  
67 Wall Street, Suite 2211  
New York, New York 10005

- and -

179 Post Road West  
Westport, CT 06880

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(name and address)

Robert G. Brody, Esq.  
Brody and Associates, LLC  
67 Wall Street, Suite 2211  
New York, New York 10005

- and -

179 Post Road West  
Westport, CT 06880

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

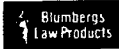
**J. MICHAEL McMAHON**

CLERK

(By) 

OCT 15 2007

DATE

B-151- Affidavit of Service of Summons or Subpoena: Personal or Alternative  
Methods: Corp. or Ind.: Military Service, 10 pt. type, 1-95COURT UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
COUNTY OF

522 W. 38TH ST. NY LLC D/B/A BEST WESTERN CONVENTION CENTER,

Index No. 07-CIV-8230 (JER)

Plaintiff(s)

against

NEW YORK HOTEL &amp; MOTEL TRADES COUNCIL, AFL-CIO

Defendant(s)

AFFIDAVIT OF  
SERVICE OF SUMMONS  
(AND COMPLAINT)THIRD PARTY IN A CIVIL ACTION,  
THIRD PARTY COMPLAINT

STATE OF NEW YORK, COUNTY OF NEW YORK

SS: The undersigned, being duly sworn, deposes and says; deponent is not a

party herein, is over 18 years of age and resides at CORONA, NEW YORK

That on 10/18/07

at 1:55 P.M., at 37-09 MAIN STREET, FLUSHING, NEW YORK

deponent served the within summons, and complaint on

UNITED STAFFING GROUP, LLC

defendant therein named,

THIRD PARTY IN A CIVIL ACTION,  
THIRD PARTY COMPLAINT

- INDIVIDUAL  
1. ☐
- CORPORATION  
2. ☒
- SUITABLE AGE PERSON  
3. ☐
- AFFIXING TO DOOR, ETC.  
4. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

a DOMESTIC corporation, by delivering thereat a true copy of each to SANDY CHOU

personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO  
RESIDENCE  
USE WITH 3 OR 45A. ☐MAILING TO  
BUSINESS  
USE WITH 3 OR 45B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION  
USE WITH  
1, 2, OR 3☒

<input type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input checked="" type="checkbox"/> 100-130 Lbs.
	<input checked="" type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input checked="" type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN  
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY  
SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on  
10/19/07JOHN DICANIO  
Notary Public, State of New York  
No. 01D14977768  
Qualified in Westchester County  
Commission Expires Feb. 11, 2011

PRINT NAME BENEATH SIGNATURE

JUAN D. AGUIRRE

License No. 843839

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.